

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 DIONTAE JOHAN DUNCAN,  
12 Plaintiff,  
13 v.  
14 CALIFORNIA HEALTHCARE  
RECEIVERSHIP CORP., et al.,  
15 Defendants.

16 No. 1:20-cv-01288-AWI-SKO (PC)

17 ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
PLAINTIFF'S MOTION FOR A TEMPORARY  
RESTRANDING ORDER  
(Docs. 3, 15)

18 Plaintiff Diontae Johan Duncan is a state prisoner proceeding *pro se* and *in forma  
pauperis* in this civil rights action. This matter was referred to a United States magistrate judge  
19 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.  
20

21 On October 14, 2020, the assigned magistrate judge issued findings and  
recommendations, recommending that Plaintiff's motion for a temporary restraining order (Doc.  
22 3) be denied. (Doc. 15.) The magistrate judge found that Plaintiff fails to show that he will suffer  
irreparable harm without the requested relief, and that the requested relief is not narrowly  
23 tailored. (*Id.* at 2). The findings and recommendations were served on Plaintiff and provided him  
24 14 days to file objections thereto. (*Id.* at 3.)  
25

26 Plaintiff filed objections on October 26, 2020. (Doc. 17.) In his objections, Plaintiff does  
27 not dispute the magistrate judge's findings, "but request[s] to leave without prejudice for future  
28

1 ‘unpredictable situational’ scenarios.” (*Id.* at 1.)

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a  
3 *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff’s  
4 objections, the Court finds the findings and recommendations to be supported by the record and  
5 proper analysis.

6 Accordingly, the Court ORDERS:

7 1. The findings and recommendations issued on October 14, 2020 (Doc. 15) are  
8 ADOPTED in full; and,  
9 2. Plaintiff’s motion for a temporary restraining order (Doc. 3) is DENIED.

10 IT IS SO ORDERED.

11 Dated: December 3, 2020



---

12 SENIOR DISTRICT JUDGE

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28